



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
February 28, 2011
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, S. Marmarou, M. Goodman-Hinnershitz, V. Spencer, F. Acosta, D. Sterner

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, F. Denbowski, C. Geffken, C. Younger, J. Bradley, D. Kersley, S. Welz

Mr. Spencer called the Committee of the Whole meeting to order at 5:05 p.m.

I. Amanda Stoudt Resolution

John Bradley, solicitor to the Reading School District, described his appreciation for the cooperation between the City and the School District regarding building projects.

Mr. Bradley stated that this resolution waiving the municipal improvement requirement relates to the project expanding Amanda Stoudt Elementary School into Benner's Court. He stated that the District worked with the City and the County Community Development Departments to acquire the properties on Benner's Court which were sub-standard housing. He stated that the project has been estimated at \$578,000. The recent projects at Millmont, Citadel and Pansy St playground have also received this waiver from the City.

Mr. Bradley stated that a letter of credit issued to the School District can be viewed as municipal debt which would need approval by DCED as the City is recovering in Act 47. The letter of credit would be issued at 1% per year saving the school district \$5,000 per year.

Mr. Spencer noted that the City is very familiar with the school district's past requests for waivers.

Mr. Marmarou noted that this project has taken many years to move forward during the acquisition process. Mr. Bradley stated that it has been at least 10 years. He stated that the project will be sent out for bid in 4-6 weeks.

Ms. Goodman-Hinnershitz requested a description of the project. The engineer from Spotts, Stevens and McCoy stated that improvements will be made to the school on the Muhlenberg Street side with a new addition encompassing Benner's Court. He stated that the project will include a new play area and parking.

Ms. Goodman-Hinnershitz questioned if the style and décor of the school will be preserved. The engineer from Spotts, Stevens and McCoy stated that features will be preserved as able and will be reproduced as necessary.

Ms. Goodman-Hinnershitz thanked the District for their work on this project. She stated that the neighborhood is very appreciative.

Mr. Spencer stated that the waiver is part of this evening's consent agenda.

Mr. Spencer requested clarification for the monetary value of tax assessment appeals for which Mr. Bradley becomes involved. Mr. Bradley stated that it is for appeals with a value of \$200,000 or more.

II. Zoning Backlog Recommendations

Mr. Geffken stated that this project grew from an Act 47 Implementation Team meeting in which progress on the backlog was questioned. He stated that Mr. Kersley has been working on the project with assistance from Mr. Welz, Esq.

Mr. Kersley introduced Mr. Welz. He stated that there are currently 1,419 multi-unit applications pending zoning approval. He stated that this is a very complex issue but that he is confident he has found a way to move forward. He recommended that Ordinance 61-2007 be repealed as it does not conform to the MPC.

Mr. Marmarou questioned why Council was not given this information in 2007. Ms. Kelleher stated that the MPC does not define specific procedures and our ordinance only requires a rental property to have a zoning permit.

Mr. Kersley stated that he is recommending a new expedited process. He stated that information not related to land use is an improper process. In addition, the timeline contained within Ordinance 61-2007 is obsolete.

Mr. Kersley suggested changing the Housing Ordinances to clarify the difference between a receipt for payment of rental registration and the actual rental permit. He stated that current language is confusing.

Ms. Goodman-Hinnershitz stated that she knows this information was reviewed by others outside City government and they also pointed out the inconsistencies in the language.

Mr. Kersley suggested giving the Zoning Administrator the authority to issue zoning to multi-unit properties who received housing permits in 2007. He expressed his belief that by issuing the permits in 2007 and prior the City sanctioned the property's use as a multi-unit. He stated that these properties would need to be classified as pre-existing non-conforming.

Mr. Marmarou questioned if the zoning would be issued to properties which have changed the number of units since 2007. He also questioned how the City would know how many units are contained in the building and if it matched the number on the application. Mr. Kersley stated that a property maintenance inspector would visit each property prior to the issuance of zoning to verify the number of units.

Mr. Marmarou noted that student rentals will be problematic as it is difficult to determine the number of students living within a property.

Mr. Kersley stated that the Zoning Administrator would approve only those properties with a history of housing permits and deny those which do not.

Mr. Spencer questioned the number of units waiting for approval. Mr. Kersley stated that the number began at 1,419 but has changed as some approvals were granted and new applications have been received.

Mr. Spencer questioned when the backlog needed to be cleared. Mr. Welz explained that there is no hard and fast deadline to approve the applications as long as the City can show it is proceeding in a good faith effort to process the applications. He stated that he has found case law supporting this.

Mr. Kersley stated that there are a large number of properties without permits of any kind and noted the need to clarify the housing registration/permit language.

Ms. Sterner noted his apprehension with using another expedited process as the AHO approved many properties improperly. He questioned if those approved by the AHO could be corrected through this new process. Mr. Welz stated that those issued by the AHO cannot be rescinded. He stated that they have already been legally issued and will be classified as pre-existing non-conforming. He noted that Ordinance 61-2007 was not problematic in itself but the implementation of the ordinance was not successful. He noted that approval will be given by the Zoning Administrator only if the number of units on the application matches the

number of units on past housing permits and that each unit meets the minimum size requirements.

Mr. Kersley noted the need for a firewall around Zoning as many applications are in the backlog because property maintenance inspections were not performed within the past five years. He stated that this is a City error and should not be borne by the applicant.

Mr. Marmarou stated that Council acted to decrease the number of items for review to allow the applications to move through the process more quickly. He questioned if the State could supersede the City's procedure. Mr. Welz stated that the State would supersede only if the City's process violated the MPC.

Mr. Marmarou described a home on Hampden Blvd housing a special needs adult calling itself a foster home. He questioned the definition of foster home. Mr. Welz stated that it is a home in which care is given to another's children. Ms. Goodman-Hinnershitz clarified that there is a special category for special needs adults.

Mr. Welz noted the need to amend Ordinance 22-2009 as it cites Ordinance 61-2007.

Ms. Goodman-Hinnershitz requested a timeline for all applications currently in the backlog to be processed. She also requested monthly reports showing progress. She noted the need for Councilors to be kept current on what is occurring in their District.

Ms. Reed suggested that the pending approvals be shared with Councilors before they are approved so that Councilors can object to approvals as necessary.

Mr. Spencer noted Council's willingness to work with the Administration to enact meaningful legislation. He noted that the past practice of the expedited process is unacceptable. He noted that Council was told in the past that there would be no delays in processing the applications but that was not reality. Mr. Welz noted that many within the City are concerned about this issue. He noted that life and safety are important issues and stated that approvals will only be granted to those who received permits in 2007.

Mr. Spencer stated that the past process failed and he does not want the failures to continue.

Mr. Welz explained that the minimum unit size requirements will be verified by property maintenance.

Ms. Goodman-Hinnershitz questioned if property maintenance had the capacity to take on this responsibility and how this process would fit into the City's Housing Initiative. Mr. Geffken stated that this will begin the process of inspections every two years and is tied to the Housing Initiative.

Mr. Kersley stated that he will bring draft ordinances forward for Council's consideration.

III. Renaming of Avenue A

Mr. Luckey, Executive Director of the Reading Housing Authority, stated that he has submitted a letter to the City requesting the name change to honor the late Senator O'Pake as he is a symbol to all in public housing that hard work causes great things to happen. He stated that he has the support of the residence council.

Mr. Luckey explained that Avenue A runs for three blocks and is the most prominent street in the development. The post office has agreed to process mail for both street names for 15 months to allow enough time for residents to change their mailing address.

Mr. Luckey stated that Senator O'Pake referred to Glenside as his home his entire life.

Mr. Sterner questioned how much support there is for the renaming of the street. Mr. Luckey stated that he has the support of the residence council. Ms. Reed stated that the larger Glenside community had no input.

Ms. Goodman-Hinnershitz stated that this was reviewed by the Public Works Committee.

Mr. Luckey stated that he approached his residence council with the idea.

Ms. Reed noted that she wants to see Senator O'Pake honored but that his family lived on Avenue C and Avenue D. She noted that she does not support the street name change and suggested that the entire complex be renamed in his honor. She described how Senator O'Pake referred to the "project" not to a particular street. She stated that Glenside is a larger area than the development and that this larger community should have input. She stated that the public was unaware of this request.

Ms. Goodman-Hinnershitz stated that everyone wants to honor Senator O'Pake but that Council has a limited scope.

Mr. Acosta clarified that his wife, Becky, made this suggestion to Mr. Luckey. He stated that she also wanted the name of the development changed. Mr. Luckey explained that the street is part of the development and part of the neighborhood. He noted his willingness to discuss the issue further with the Authority members.

Mr. Marmarou voiced his agreement with Ms. Reed. He questioned renaming the development. Mr. Luckey explained that there are HUD issues with public housing. He also stated that he would like to retain Glenside as the development name as it helps identify it with the neighborhood.

Ms. Reed stated that a community meeting in greater Glenside would have been helpful. She stated that Senator O'Pake always referred to the development as a whole. She noted her willingness to assist with HUD issues to rename the complex. Mr. Luckey reiterated that his request is to change the street name.

Mr. Spencer noted the need to follow the City's renaming policy.

Ms. Reed stated that an argument could be made that this was brought forward without clear understanding of the public. She noted the need for a town meeting. She noted that it is premature to vote on the issue without additional information.

Ms. Reed questioned if this was discussed at the Public Works Committee. Ms. Goodman-Hinnershitz and Mr. Marmarou noted that it was discussed and was approved on the recommendation of the Public Works Director as per the City's Naming Policy. Ms. Goodman-Hinnershitz stated that it was brought forward with the understanding that the community wanted the name change.

Mr. Acosta stated that Council must keep the costs in mind when making changes. He stated that costs to HUD could be extensive.

Ms. Katzenmoyer explained that this ordinance is being introduced this evening. She noted that she is working with the Law Department to determine if the Planning Commission must make a recommendation on the name change.

Mr. Acosta informed Council that if the Housing Authority decides to change the name of the development that Council has no approval authority.

Ms. Goodman-Hinnershitz noted that the scope of the discussion has been enlarged.

Mr. Spencer stated that the ordinance will be introduced this evening. He stated that Mr. Younger and Ms. Katzenmoyer will continue their research.

Ms. Reed stated that she will be holding a community meeting on the issue.

IV. Tax Collection Agreement

Mr. Geffken stated that the joint property tax bills were mailed at an approximate cost of \$7,000. He stated that this is a significant savings.

V. Agenda Review

Mr. Spencer requested that Council receive the Administration's Report prior to the meeting to allow time to review. Mr. Geffken and Mr. Denbowski were agreeable and will begin with the

March 14 meeting. Mr. Denbowski stated that he will be giving an update on the Recreation Commission this evening.

Council reviewed this evening's agenda including the following:

- Ordinance creating a salary range for the Administrative Services Director and amending the salary ranges for the Police Chief and Fire Chief

Mr. Spencer questioned if the amendment to the salary ranges for the Police and Fire Chief were due to collective bargaining. Mr. Geffken stated that this is applicable only if the Chief has risen through the union ranks. He stated that otherwise, salaries are negotiated individually. He stated that this would realign Fire and Rescue Services as needed for recruitment purposes and that the Police Chief's 2011 salary increase has exceeded that threshold.

- Setting the Salary of the Administrative Services Director

Mr. Spencer stated that \$91,350 is the amount recommended by the Administration.

Mr. Acosta stated that this is lower than the salary received by Mr. Geffken when he was in this position.

Ms. Reed stated that merging the Finance Director and Human Resources Director has also saved the City.

Mr. Spencer questioned how the Administration could justify this salary when other City employees are asked to make financial sacrifices. Mr. Geffken stated that he examined the salaries of past directors and considered the savings borne by combining the positions.

Mr. Spencer stated that Mr. Nagel had been an employee of PFM when the recovery plan was written. Mr. Geffken stated that he noticed Mr. Nagel fit in well here. He noted the need for his education and experience to move the City forward. He stated that Mr. Nagel is well worth this salary.

Mr. Spencer stated that those who have lost jobs during the economic downtown have accepted new positions at lower salaries. Mr. Geffken stated that \$95,000 was budgeted for this position in 2011. He stated that this salary is high but reiterated that you get what you pay for. He stated that he negotiated this salary with Mr. Nagel.

Ms. Goodman-Hinnershitz expressed her belief that residents and City employees may feel this salary is high. She stated that finance and human resources are critical to the City. She expressed her belief that the City is fortunate to have Mr. Nagel at this salary.

Mr. Acosta stated that expectations for this position are high. He expressed his belief that lowering the salary would decrease the quality of applicants.

Ms. Reed stated that human resource issues could cause the City to face litigation if handled poorly. She stated that this salary is low compared to court costs.

Mr. Spencer questioned the process of salary negotiations. Mr. Geffken explained that Mr. Nagel has been working as a consultant for the City for several months. He stated that he is currently working for no salary.

Mr. Sterner questioned if Mr. Nagel would be awarded back pay. Mr. Geffken stated that a consultant agreement is currently being drafted but has not yet been executed. He stated that while the agreement was being drafted, the Administration brought Mr. Nagel forward for the position.

Ms. Goodman-Hinnershitz stated that it is unusual for consultants to begin work without an agreement. She also stated that awarding back pay is not done on a regular basis. Mr. Geffken stated that the City has moved forward. Ms. Goodman-Hinnershitz stated that this is not good practice.

- Resolution reappointing Susan Gibson to the Charter Board

Mr. Spencer questioned if the Mayor was ready to move Ms. Gibson's name forward. Mr. Denbowski stated that the Mayor supports Ms. Gibson.

Ms. Katzenmoyer stated that this is pending Ms. Gibson's interview on March 7.

- Ordinance approving a stop sign at 13th & Richmond Sts

Mr. Marmarou stated that Albright is not responding to the City's request to remove the illegal crosswalks on Bern St and College Ave. He stated that if they are not removed, the City should remove the stop signs. Mr. Geffken stated that he will have Public Works follow up and paint over the illegal crosswalks and bill Albright for the work performed.

Mr. Acosta questioned what would happen if Albright repainted the crosswalks. Mr. Younger stated that they must have permission and would be in violation of the City's regulations.

Mr. Geffken stated that he will inform Ms. Katzenmoyer when this item is ready to be moved out of the pending legislation area.

- Ordinance approving a stop sign at 13th & Elm Sts

Ms. Goodman-Hinnershitz noted the need for all to follow the City's processes.

Mr. Acosta stated that these signs were installed for teenagers at the Citadel but he cannot get approval for stop signs for to small children at Tyson-Schoener Elementary School. He stated that teenagers should know how to cross streets but small children need assistance.

Ms. Reed questioned if the City is liable if they are removed. Mr. Geffken expressed his belief that the City would be liable if an accident would occur.

Mr. Spencer requested the Solicitor's opinion. Mr. Younger stated his opinion that if the signs were put up illegally the City has the right to remove them. He stated that the City may face a suit in the case of an accident but that it would not be liable unless there were extenuating circumstances.

Ms. Katzenmoyer explained that the signs at 12th & Walnut and 13th & Elm were installed as part of the Planning process for the Citadel.

Mr. McMahon arrived at this time.

The meeting adjourned at 6:48 pm.

Respectfully Submitted
Linda A. Kelleher, CMC
City Clerk